

# **EXHIBIT 6**

Case 5:08-cv-05780-JW Document 248-7 Filed 01/20/12 Page 2 of 6

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**From:** Felipe Herrera  
**To:** SteveVachani  
**Subject:** RE: response to your December 26th e-mail  
**Date:** Saturday, January 03, 2009 4:47:38 AM

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Jesus Christ, man...I had no idea we were sending these messages and signing "The Facebook Team" (look at paragraph 63 of the records)...wow...this shows the absolute lack of communication between the product and legal teams. Since the beginning of the company the product team has been putting things online without any type of consultation with the legal department. Since we do not participate in the homologation process of products and services before they go online, we have no way of knowing this.

Granted that signing someone else's name in a commercial email is just obvious to any layman that it is fraud. People don't need to be lawyers to know that it is wrong, so I don't understand why we did this...

The few times that Bruno and Patrick came to us before something went online helped us avoid legal problems, but that does not happen normally.

This is very frustrating. It looks like we have no legal advice or that we are knowingly and purposely doing things that are illegal and acting in bad faith. It looks terrible on the legal department.

Let's please adjust the standard procedures so that new products and services go through Legal before being put online.

Thanks,  
Felipe.

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From: steve@stelevachani.com [steve@stelevachani.com]  
Sent: Friday, January 02, 2009 11:52 PM  
To: Felipe Herrera; McCullagh, James R. (Perkins Coie)  
Cc: Mark Howitson; Sam O'Rourke; Cutler, Joseph P. (Perkins Coie)  
Subject: RE: response to your December 26th e-mail

Ok. Please let us know any additional steps we will need to take to fully address your requests from your complaint. We await this so we can take these additional steps to bring this to resolution.

Thanks,  
Steve

--- On Fri, 1/2/09, McCullagh, James R. (Perkins Coie) <JMCCULLAGH@PERKINS COIE.COM> wrote:  
From: McCullagh, James R. (Perkins Coie) <JMCCULLAGH@PERKINS COIE.COM>  
Subject: RE: response to your December 26th e-mail  
To: steve@stelevachani.com, felipe.herrera@powerinc.net  
Cc: "Mark Howitson" <mhowitson@facebook.com>, "Sam O'Rourke" <samo@facebook.com>, "Cutler, Joseph P. (Perkins Coie)" <JCUTLER@PERKINS COIE.COM>  
Date: Friday, January 2, 2009, 5:33 PM

Mr. Vachani,

Facebook is continuing to evaluate Power.com's compliance with Facebook's demands. Facebook does not consider that Power.com's recent actions have resolved all of the issues raised by the lawsuit. We hope to be able to provide you with more information next week.

Regards,

Case 5:08-cv-05780-JW Document 248-7 Filed 01/20/12 Page 3 of 6

Jim  
Jim McCullagh | Perkins Coie LLP  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
PHONE: 206.359.6329<LiveCall:206.359.6329>  
FAX: 206.359.7329<LiveCall:206.359.7329>  
CELL: 206.434.6678<LiveCall:206.434.6678>  
E-MAIL: jmccullagh@perkinscoie.com

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From: steve@stevevachani.com [mailto:[steve@stevevachani.com](mailto:steve@stevevachani.com)]  
Sent: Friday, January 02, 2009 5:10 PM  
To: filipe.herrera@powerinc.net; McCullagh, James R. (Perkins Coie)  
Cc: Mark Howitson; Sam O'Rourke; Cutler, Joseph P. (Perkins Coie)  
Subject: RE: response to your December 26th e-mail

We are moving forward to sharing with the media and those who ask how we intend to use Facebook connect as they are asking. We would really like to communicate with interested parties that we have resolved this issue with Facebook and complied with all of Facebook's demands.

Because of the amount of media attention, we would really love to communicate this sooner.

James or Joseph, do you have a moment to speak very quickly on how we can confirm resolution on this

--- On Wed, 12/31/08, McCullagh, James R. (Perkins Coie) <JMCCULLAGH@perkinscoie.com> wrote:  
From: McCullagh, James R. (Perkins Coie) <JMCCULLAGH@perkinscoie.com>  
Subject: RE: response to your December 26th e-mail  
To: steve@stevevachani.com, filipe.herrera@powerinc.net  
Cc: "Mark Howitson" <mhowitson@facebook.com>, "Sam O'Rourke" <samo@facebook.com>, "Cutler, Joseph P. (Perkins Coie)" <JCUTLER@perkinscoie.com>  
Date: Wednesday, December 31, 2008, 4:32 PM

Mr. Vachani,

This email acknowledges receipt of your email below. We are confirming your representations of compliance with Facebook's requests and will respond more fully in due course.

Regards,

Jim

Jim McCullagh | Perkins Coie LLP  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
PHONE: 206.359.6329<LiveCall:206.359.6329>  
FAX: 206.359.7329<LiveCall:206.359.7329>  
CELL: 206.434.6678<LiveCall:206.434.6678>  
E-MAIL: jmccullagh@perkinscoie.com

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Case 5:08-cv-05780-JW Document 248-7 Filed 01/20/12 Page 4 of 6

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From: steve@stelevachani.com [mailto:[steve@stelevachani.com](mailto:steve@stelevachani.com)]  
Sent: Wednesday, December 31, 2008 4:13 PM  
To: filipe.herrera@powerinc.net; McCullagh, James R. (Perkins Coie)  
Cc: Mark Howitson; Sam O'Rourke; Bates, Leota (Perkins Coie); Cutler, Joseph P. (Perkins Coie)  
Subject: RE: response to your December 26th e-mail

In order for us to facilitate a healthy beginning in our discussions and in our communications with interested parties and media who may ask about our relationship with Facebook, we would request that Facebook acknowledge our compliance and remove the filed lawsuit from public records as soon as possible.

We think it is in both company's best interests to transform our relationship into a positive one and look forward to offering feedback and advice to the Facebook Connect team on ways to expand Facebook connect's functionality to encourage more industry wide innovation between developers and Facebook.

We had only requested that we have more time to prevent a disruption among users, but per your request, we complied and are looking forward to completing our new version with Facebook connect compliance.

--- On Wed, 12/31/08, McCullagh, James R. (Perkins Coie) <[JMCCULLAGH@PERINSCOIE.COM](mailto:JMCCULLAGH@PERINSCOIE.COM)> wrote:  
From: McCullagh, James R. (Perkins Coie) <[JMCCULLAGH@PERINSCOIE.COM](mailto:JMCCULLAGH@PERINSCOIE.COM)>  
Subject: RE: response to your December 26th e-mail  
To: steve@stelevachani.com, filipe.herrera@powerinc.net  
Cc: "Mark Howitson" <[mhowitson@facebook.com](mailto:mhowitson@facebook.com)>, "Sam O'Rourke" <[samo@facebook.com](mailto:samo@facebook.com)>, "Bates, Leota (Perkins Coie)" <[Lbates@perinccoie.com](mailto:Lbates@perinccoie.com)>, "Cutler, Joseph P. (Perkins Coie)" <[jcutler@perinccoie.com](mailto:jcutler@perinccoie.com)>  
Date: Wednesday, December 31, 2008, 8:28 AM

Dear Mr. Vachani,

We appreciate your prompt response, but your proposed removal of Facebook in 5-6 days is NOT acceptable. Your solicitation and storage of Facebook usernames and passwords, and your promotional activities that spam to Facebook users must stop immediately. Facebook has been very clear in its demands and patient in allowing Power time to make the necessary changes. That patience expired when you forced Facebook to file a lawsuit against you. You have provided no reason why you cannot bring your service into compliance other than your own convenience. Your willful violation of Facebook's rights continues to exacerbate the damage to Facebook and is affecting any desire that Facebook may have to conduct business with you.

As stated in Mr. Cutler's email to you yesterday, we await your confirmation by the end of business today that you will immediately comply with Facebook's demand.

Regards,

Jim  
Jim McCullagh | Perkins Coie LLP  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
PHONE: 206.359.6329 <LiveCall:206.359.6329>  
FAX: 206.359.7329 <LiveCall:206.359.7329>  
CELL: 206.434.6678 <LiveCall:206.434.6678>  
E-MAIL: [jmcullagh@perinccoie.com](mailto:jmcullagh@perinccoie.com)

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Case 5:08-cv-05780-JW Document 248-7 Filed 01/20/12 Page 5 of 6

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From: steve@stelevachani.com [mailto:[steve@stelevachani.com](mailto:steve@stelevachani.com)]  
Sent: Wednesday, December 31, 2008 2:59 AM  
To: Cutler, Joseph P. (Perkins Coie)  
Cc: filipe.herrera@powerinc.net; McCullagh, James R. (Perkins Coie); Mark Howitson; Sam O'Rourke;  
Bates, Leota (Perkins Coie); Demetrescu, Nicole (Perkins Coie); Mrazik, Ryan T. (Perkins Coie)  
Subject: Re: response to your December 26th e-mail

I have instructed our guys to complete the take down of Facebook from Power.com

While we would like to have avoided the disruption in service to our users until we have completed the Facebook connect integration, we understand your position and after further discussions have decided that we will proceed with take down of the service. I sent an email to our team today to initiate take down of the current version of Facebook inside of Power. I will send you an email confirmation by this Monday formally responding to your letter and confirming our compliance with your requests.

There is nobody in our offices today, tomorrow, and Friday, but Facebook should be removed completely from Power.com by Monday.

We are working to complete the Facebook connect integration as soon as possible and after the take down has been completed, we will hope to share our ideas on how improve Facebook connect to facilitate greater functionality from companies like Power.

As stated in our previous email, we are already working to integrate Facebook connect. We look forward to more productive conversations on a business side in the future on ways to expand the functionality of Facebook connect and address issues of how to expand the distribution of Facebook content in ways that are mutually beneficial and agreeable to Facebook.

Thanks,  
Steve

--- On Tue, 12/30/08, Cutler, Joseph P. (Perkins Coie) <[JCutler@perkinscoie.com](mailto:JCutler@perkinscoie.com)> wrote:  
From: Cutler, Joseph P. (Perkins Coie) <[JCutler@perkinscoie.com](mailto:JCutler@perkinscoie.com)>  
Subject: response to your December 26th e-mail  
To: steve@stelevachani.com  
Cc: filipe.herrera@powerinc.net, "McCullagh, James R. (Perkins Coie)" <[JMCCULLAGH@perkinscoie.com](mailto:JMCCULLAGH@perkinscoie.com)>,  
"Mark Howitson" <[mhowitson@facebook.com](mailto:mhowitson@facebook.com)>, "Sam O'Rourke" <[samo@facebook.com](mailto:samo@facebook.com)>, "Bates, Leota  
(Perkins Coie)" <[LBates@perkinscoie.com](mailto:L Bates@perkinscoie.com)>, "Demetrescu, Nicole (Perkins Coie)"  
<[NDemetrescu@perkinscoie.com](mailto:NDemetrescu@perkinscoie.com)>, "Mrazik, Ryan T. (Perkins Coie)" <[RMrazik@perkinscoie.com](mailto:RMrazik@perkinscoie.com)>  
Date: Tuesday, December 30, 2008, 5:28 PM

Dear Mr. Vachani:

Your response of late Friday, December 26, 2008, that Power.com has made the unilateral decision to continue to violate Facebook's rights is unacceptable. Earlier today, Facebook filed a lawsuit against Power.com. I have attached a copy of the lawsuit for your convenience.

This matter is of extreme importance to Facebook and Power.com's blatant and knowing violation of Facebook's rights must immediately stop. Power.com must

- \* Cease soliciting Facebook usernames and passwords;
- \* Cease all integration of Facebook in Power.com;
- \* Remove all Facebook usernames, passwords, friend lists, and other information gathered from Facebook from active servers and preserve all such information off line;
- \* Remove all references to Facebook;
- \* Remove all Facebook Trademarks;
- \* Cease using Power.com to send messages to Facebook users;
- \* Cease circumventing Facebook security measures; and
- \* Comply with any and all Facebook Terms of Use

Case5:08-cv-05780-JW Document248-7 Filed01/20/12 Page6 of 6

In addition, you must preserve and not destroy all information that may be relevant to the causes of action described in the attached Complaint, including but not limited to all electronically stored information related in any way to Power.com's interaction with Facebook, Facebook's website, and/or Facebook users.

If Power.com does not comply with these demands by the CLOSE OF BUSINESS, TOMORROW, DECEMBER 31, 2008, Facebook will seek a Temporary Restraining Order against Power.com. Please have your attorneys contact me immediately.

Very truly yours,

Joseph P. Cutler

Joseph P. Cutler | Perkins Coie LLP

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Professional Biography<[http://www.perkinscoie.com/professionals/professionals\\_detail.aspx?professional=139](http://www.perkinscoie.com/professionals/professionals_detail.aspx?professional=139)>

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